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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/649,903	08/28/2000	Stefan O. Dick	P-1000	7709	
75	90 01/31/2002				
Scott R Cox			EXAMINER		
Lynch Cox Gilman & Mahan PSC Suite 2200			GERRITY, STEP	GERRITY, STEPHEN FRANCIS	
400 West Market Louisville, KY 40202			ART UNIT	PAPER NUMBER	
			3721		
		•	DATE MAILED: 01/31/2002	DATE MAILED: 01/31/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/649,903	DICK ET AL.				
Office Action Summary	Examin r	Art Unit				
	Stephen F. Gerrity	3721				
Th MAILING DATE of this communication app Period f r Reply	ears on the cover sheet with the c	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on	<u> </u>					
2a)☐ This action is FINAL . 2b)☑ Th	is action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-21</u> is/are pending in the application						
4a) Of the above claim(s) is/are withdraw	wn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-21</u> are subject to restriction and/or 6	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. § 119(a	a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:		7 (-7 ()				
1.☐ Certified copies of the priority documents	s have been received.					
2. Certified copies of the priority documents		ion No				
Copies of the certified copies of the prior application from the International But * See the attached detailed Office action for a list.	rity documents have been receive reau (PCT Rule 17.2(a)).	ed in this National Stage				
14) Acknowledgment is made of a claim for domesti	c priority under 35 U.S.C. § 119(e) (to a provisional application).				
 a) ☐ The translation of the foreign language pro 15) ☐ Acknowledgment is made of a claim for domesting 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) (S) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	4) Interview Summar 5) Notice of Informal 6) Other:	y (PTO-413) Paper No(s) Patent Application (PTO-152)				

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-17, drawn to a packaging container, classified in class
 206, subclass 719.
 - II. Claims 18-21, drawn to a process of for filling and shipping of a packaging container, classified in class 53, subclass 440.
- **2.** The inventions are distinct, each from the other because of the following reasons:
 - a. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a materially different process of using that product such as one in which the circuits are not baked.

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- **3.** Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- **4.** Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.
- **5.** Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- **6.** Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is (703) 308-1279. The examiner can normally be reached on Monday Friday from 6:30 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Stěphen F. Gerrity Primary Examiner Art Unit 3721

sfg January 31, 2002 -4-